

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 664 - SB 665

March 11, 2023

SUMMARY OF BILL: Removes certain convictions that prohibits an employer or employee of the employer to come in direct contact with school children or with children in a child care program or enter the grounds of a school or child care center when children are present.

FISCAL IMPACT:

Other Fiscal Impact – The removal of certain offenses may increase the number of eligible contractors or incentivize schools, school districts, and childcare programs to run additional background checks. Due to multiple unknown variables, any resulting fiscal impact cannot reasonably be determined.

Assumptions:

- Tennessee Code Annotated § 49-15-413(D)(3)(b)(i) applies to entities that contract with schools, school districts or childcare programs, not actual employees of schools or school districts. It prohibits employees of the contractor who have been convicted of certain offenses to have direct contact with students or come on campus to work when students are present.
- The proposed legislation removes many offenses from the section, including: all assaultive offenses, criminal homicide, kidnapping and false imprisonment, robbery, invasion of privacy, burglary, arson, aggravated arson, and crimes involving weapons.
- Contractors must complete a Tennessee Bureau of Investigation (TBI) background check for each employee who will work on school grounds when children are present or have contact with students.
- TBI issues "red light" or "green light" letters to schools that indicate if the employee of the contractor may have direct contact with students or work on school grounds when children are present based on their convictions. A green light letter indicates the employee has no convictions that would prohibit it.
- Under the proposed legislation, employees that have criminal convictions that are being removed from the section would now be allowed to have direct contact with students or work on school grounds when students are present.
- It is unknown how the removal of certain offenses may affect contracts with schools, school districts, or childcare programs. It is further unknown if schools will decide to run additional background checks to ensure that individuals with certain convictions do not work on school grounds.

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- The proposed legislation may increase the number of eligible contractors, which could result in cost savings for schools, school districts, or childcare programs; furthermore, additional background checks may result in a permissive increase in local expenditures. However, due to multiple unknown factors, a precise fiscal impact cannot reasonably be determined.
- Any impact on the TBI is assumed to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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